

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF BEE CAVE  
JANUARY 24, 2012

STATE OF TEXAS       §

COUNTY OF TRAVIS   §

**Present:**

Caroline Murphy, Mayor  
Chad Bockius, Council Member  
Bob Dorsett, Jr., Council Member  
Bill Goodwin, Council Member  
Jack McCool, Mayor Pro Tem  
Mike Murphy, Council Member

**City Staff:**

Frank Salvato, City Administrator  
Travis Askey, Deputy City Administrator  
Patty Akers, City Attorney  
Kaylynn Holloway, City Secretary  
Amy Kelley, Systems Administrator  
Russell Pancoast, Police Chief  
Giancarlo Patino, Engineer Associate  
Stephen Myrick, Building Official  
Barbara Hathaway, Library Director

**Call to Order and Announce a Quorum is Present**

With a quorum present, the Regular Meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, January 24, 2012 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

**Pledge of Allegiance**

**Citizen Comments**

There were not any citizen comments at this time.

**Consent Agenda.**

- A. Consider approval of minutes of the Special meeting conducted on January 9, 2012 and Regular meeting conducted on January 10, 2012.
- B. Consider approval of monthly financial and investment report.

**MOTION:** A motion was made by Council Member Bockius, seconded by Mayor Pro Tem McCool, to approve the Consent agenda as presented.

The vote was taken on the motion with the following result:

|             |  |
|-------------|--|
| Voting Aye: | Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy |
| Voting Nay: | None   |
| Absent:     | None   |

The motion carried.

**Discuss and consider action on the Audit report for Fiscal Year Ending September 30, 2011.**

Paula Lowe with Patillo, Brown & Hill L.L.P. made a formal report on the audit report.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Council Member Murphy, to approve the Audit report for Fiscal Year ending September 30, 2011.

The vote was taken on the motion with the following result:

|             |  |
|-------------|--|
| Voting Aye: | Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy |
| Voting Nay: | None   |
| Absent:     | None   |

The motion carried.

**Discuss and consider action on the storefront elevations for Soma Intimates, located in the Hill Country Galleria at 12700 Hill Country Blvd, Suite S-135.**

Adrian Overstreet, Asset Manager for the Hill Country Galleria, presented this item.

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to approve the storefront elevations for Soma Intimates as presented.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,  
Goodwin and Murphy  
Voting Nay: None  
Absent: None

The motion carried.

**Discuss and consider action on the Skaggs tract located between Highway 71 and Bee Cave Parkway for:**

**Variance to Chapter 20 to authorize placement in the Water Quality Buffer Zones**

**Revision to the Agreement to provide a temporary construction easement to extend the deadline**

**Revision to the Second Amendment to the agreement for the construction and dedication of right-of-way to extend the deadline**

Tim Skaggs was present at the meeting and available to answer questions.

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to approve the Variance to Chapter 20 for placement of the Water Quality Buffer Zones for a future private roadway, to approve the revision to the agreement for the temporary construction easement to extend the deadline and to approve the revision to the Second Amendment to the agreement for the construction and dedication of right-of-way to extend the deadline.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,  
Goodwin and Murphy  
Voting Nay: None  
Absent: None

The motion carried.

**Discuss and consider action on a request for a special event permit for Tim and Brenda Skagg's Farmers Market located at 13810 Hwy 71 West.**

**MOTION:** A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the special event permit renewal for 6 months for the Skaggs' Farmers Market, with food being sold only during market days; food setup will not remain overnight and only one sign for each 10x10 space.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,  
Goodwin and Murphy  
Voting Nay: None  
Absent: None

The motion carried.

**Discuss and consider action on the completion of a construction contract with Cash Construction Company for Bee Cave Parkway Phase IIIA including final payment and maintenance bond.**

**MOTION:** A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to accept the final improvements to Bee Cave Parkway Phase IIIA and to approve the final payment to Cash Construction.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,  
Goodwin and Murphy  
Voting Nay: None  
Absent: None

The motion carried.

**Discuss and consider action on a sign variance for Huntington Learning Center located at 13011 Shops Parkway, # 300, in the Shops at the Galleria**

Jim Huffman, owner of Huntington Learning Center, presented this item.

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Bockius, to approve the sign variance as requested specifying the elimination of a blade sign and an awning sign.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,  
Goodwin and Murphy  
Voting Nay: None  
Absent: None

The motion carried.

**Discuss and consider action on the Police Department Policies and Procedures.**

**MOTION:** A motion was made by Council Member Bockius, seconded by Mayor Pro Tem McCool, to approve the Police Department Policies and Procedures.

The vote was taken on the motion with the following result:

|             |  |
|-------------|--|
| Voting Aye: | Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy |
| Voting Nay: | None   |
| Absent:     | None   |

The motion carried.

**Executive Session**

The City Council closed the Open Session at 6:27 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.072 – Deliberation regarding Real Property; and Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. Consultation with Attorney regarding authority of city to enforce building, sign and development ordinances and litigation with AusPro Enterprises, LP.
- B. Consultation with Attorney regarding the acquisition of primitive parkland owned by Falconhead West, L.P.
- C. Discussion regarding acquisition of real property for possible use as water quality mitigation land.

The City Council closed the Executive Session at 8:15 p.m. and reconvened in Regular Session in the Council Chambers.

**Adjournment**

**MOTION:** A motion was made by Mayor Pro Tem McCool, seconded by Council Member Goodwin, to adjourn.

The vote was taken on the motion with the following result:

|             |  |
|-------------|--|
| Voting Aye: | Mayor Pro Tem McCool, Council Members Bockius, Dorsett,<br>Goodwin, and Murphy |
| Voting Nay: | None   |
| Absent:     | None   |

The motion carried.

The City Council adjourned the Regular Session at 8:16 p.m.

PASSED AND APPROVED this 14<sup>th</sup> day of February, 2012.

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Caroline Murphy, Mayor

ATTEST:

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Kaylynn Holloway, City Secretary

[SEAL]